

REMARKS

Applicant has reviewed and amended the claims of this application. The amendment has been done in view of the prior art cited by the examiner.

There is no doubt that Viland, Pat. No. 3,815,327, discloses a method and apparatus for preventing loss of hydrocarbons to atmosphere, but you should note that the entire refrigeration unit 50, of Viland is located above and separate from the underground storage tank, and all vapors pass through it, at least those vapors returning to the system from the dispensers, are chilled separately, and it appears only those vapors are condensed, in the operations of Viland. To the contrary, Applicants' invention locates its heat exchanger 14 directly down in the vapor section of the underground storage tank. Hence, when Applicants' sensor detects that pressure is built up, of the vapors, within the tank, and rather than leave them escape directly to the atmosphere, the sensor instructs the control unit of the build up of pressures in the underground storage tank, it initiates the condenser, which sends the refrigerant material to the heat exchanger that locates directly within the vapor section of the underground storage tank. Hence, all of the vapors generated within the tank, whether it be simply the vapors that elevate off of the fuel stored within the storage tank, or the vapors returning from the dispensing of gasoline to the vehicles, and which enter into the vapor section of the underground storage tank, become chilled, and are condensed, to return condensed fuel back to the liquid gasoline within the storage tank, and any remaining vapors that may build up will rise up and pass through the vent. Thus, primary condensing of vapors takes place within the vapor portion of the underground storage tank, through the hear exchanger 14, and this is the principal component of Applicants' invention, as distinguished from what is shown and described in Viland. Furthermore, Viland shows no condensing of vapors directly within the underground storage tank, and therefore, it is submitted that Viland is not anticipatory prior art. Hence, neither does Hartsell show any type of condensing unit located within the vapor portion of an

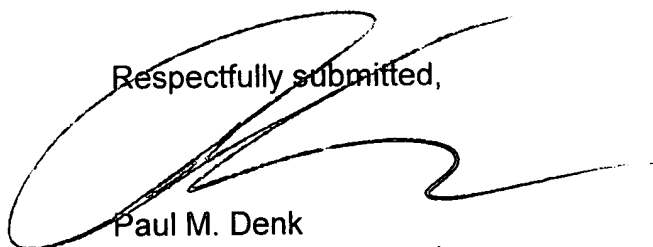
underground storage tank, which could lead one to suggest that Viland may be modified, to achieve such, in the first instance.

Hence, it is submitted that Viland does not anticipate the subject matter of the currently claimed invention. Furthermore, it is believed that Hartsell does not suggest towards the current invention. See the case of *In re Geiger*, 815 Fed. 2nd 686 (Fed Cert. 1987).

Claim 8 describes the usage of a flow meter when applied within the extractor system of newly added claim 10. In addition, newly added claim 11, which depends upon claim 10, describes how the refrigeration unit may also be employed, in addition to within the vapor section of the storage tank, with one of the vent pipe, or the vapor return line, to provide in additional supplemental condensing of vapors. It is submitted that claim 10 is quite distinct from anything described in the prior art, claim 8 adds a flow meter to it, and claim 11 describes the supplemental use of the refrigeration unit with the vent pipe, and the vapor return line. It is submitted that these disclose patentable subject matter over what is described in the prior art.

The examiner's further review of the claims of this application would be appreciated.

Respectfully submitted,



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